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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE PROCTER & GAMBLE COMPANY,)	Case No.: 3:08-cv-00930 JCS
)	
Plaintiff,)	
v.)	AMENDED COMPLAINT FOR PATENT
)	INFRINGEMENT
KRAFT FOODS GLOBAL, INC.,)	
)	DEMAND FOR JURY TRIAL
Defendant.)	

Plaintiff The Procter & Gamble Company ("P&G"), for its complaint against defendant Kraft Foods Global, Inc. ("Kraft"), alleges as follows:

THE PARTIES

1. Plaintiff P&G is an Ohio corporation with its principle place of business in Cincinnati, Ohio.
2. Defendant Kraft is a Delaware corporation with its principle place of business in Northfield, Illinois.

JURISDICTION

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 et seq. The Court has personal jurisdiction over Kraft in that it has established minimum contacts with the forum, and the exercise of jurisdiction over Kraft would not offend traditional notions of fair play and substantial justice.

VENUE

4. Kraft does business in this district, including providing infringing products, that, on information and belief, are sold in this district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1331, 1391(b), (c) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 7,169,419

5. On January 30, 2007, the United States Patent & Trademark Office (“USPTO”) duly and legally issued the ’419 Patent to inventors David Dalton, Kerry Weaver and Thomas Manske, Jr. These inventors have assigned all rights and interest in the ’419 Patent to P&G. Kraft has infringed and continues to infringe the ’419 Patent. The infringing acts include at least manufacturing, using, selling, and/or offering to sell 39-ounce plastic containers of Maxwell House brand coffee. Kraft is liable for infringement of the ’419 Patent pursuant to 35 U.S.C. § 271.

6. Kraft’s acts of infringement have caused and are causing damage to P&G. P&G is entitled to recover from Kraft the damages sustained by P&G as a result of Kraft’s infringement in an amount to be proven at trial. Kraft’s infringement of P&G’s rights under the ’419 Patent also is causing, and will continue to cause, irreparable harm to P&G, for which there is no adequate remedy at law, unless Kraft is enjoined by this Court.

7. Upon information and belief, Kraft’s infringement of the ’419 Patent is willful and deliberate, entitling P&G to increased damages under 35 U.S.C. § 284 and attorney fees incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, P&G prays for judgment and seeks relief against Kraft as follows:

- 1 (a) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement
2 by Kraft, and their officers, agents, servants, employees, subsidiaries and attorneys, and
3 those persons acting in concert with Kraft, including related individuals and entities,
4 customers, representatives, dealers, and distributors;
- 5 (b) For an award of actual damages against Kraft;
- 6 (c) For an award of pre-judgment and post-judgment interest, according to proof against
7 Kraft,
- 8 (d) For an award of enhanced damages pursuant to 35 U.S.C. § 284 against Kraft;
- 9 (e) For an award of attorney fees against Kraft pursuant to 35 U.S.C. § 285 or as otherwise
10 permitted by law;
- 11 (f) For all costs of suit against Kraft; and
- 12 (g) For such other and further relief as the Court may deem just and proper.
- 13
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15 The electronic filer hereby attests that the individual whose name appears below has signed this
16 document. See General Order 45, Section X.

17 DATED: June 2, 2008

HOWREY LLP

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19
20 BY: /s/ William C. Rooklidge

21 William C. Rooklidge
22 Attorneys for THE PROCTER & GAMBLE
23 COMPANY
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JURY DEMAND

P&G demands a jury trial on all issues that are triable by right to a jury.

The electronic filer hereby attests that the individual whose name appears below has signed this document. See General Order 45, Section X.

DATED: June 2, 2008

HOWREY LLP

BY: /s/ William C. Rooklidge

William C. Rooklidge
Attorneys for THE PROCTER & GAMBLE
COMPANY